

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

U.S. ETHERNET INNOVATIONS LLC,

No. C 10-03724 CW (LB)

Plaintiff,

v.

**ORDER RE DISCOVERY DISPUTE  
IN ECF NO. 1093 AND ECF NOS. 1094  
AND 1098**

ACER INC, *et al.*,

Defendants.

U.S. ETHERNET INNOVATIONS LLC,

No. C 10-05254 CW (LB)

Plaintiff,

v.

**ORDER RE DISCOVERY DISPUTE  
IN ECF NO. 510**

AT&T MOBILITY, LLC, *et al.*,

Defendants.

In the two above-captioned related cases, Defendants seek to depose USEI's two expert witnesses, Dr. Mitzenmacher and Mr. Bratic, for four days each. *See USEI v. Acer*, No. C10-03724 CW (LB), 5/12/2014 Joint Letter, ECF No. 1093; *USEI v. AT&T Mobility*, No. C10-05254 CW (LB), 5/12/2014 Joint Letter, ECF No. 510. USEI argues that two days each should be sufficient. And regardless of their duration, the parties also cannot agree about when these depositions should occur. The court held a telephonic hearing on the matter on May 19, 2014 and rules as follows.

In light of Dr. Mitzenmacher's availability on Thursday, May 29, 2014 and Friday, May 30,

1 2014, USEI must check to see if Dr. Mitzenmacher is available on Saturday, May 31, 2014, and if he  
2 is, the court orders a third day's deposition for that day.

3 In light of Mr. Bratic's availability, his deposition will occur on June 10, 2014 and June 11,  
4 2014, and Defendants will have two extra hours to depose him on each of those days.

5 The parties' rebuttal expert reports now are due by June 3, 2014.

6 The court notes that in the Acer action, Intel also filed two discovery motions on May 13, 2014.  
7 *See USEI v. Acer*, No. C10-03724 CW (LB), Administrative Motion to Seal Motion to Preclude,  
8 ECF No. 1094; *USEI v. Acer*, No. C10-03724 CW (LB), Motion to Preclude, ECF No. 1094-4; *USEI*  
9 *v. Acer*, No. C10-03724 CW (LB), Administrative Motion to Seal Motion to Compel, ECF No.  
10 1098; *USEI v. Acer*, No. C10-03724 CW (LB), Motion to Compel, ECF No. 1098-4. These disputes  
11 should have been brought before the undersigned. *See* 5/19/2014 Clerk's Notice (clarifying that the  
12 motions should be resolved by the undersigned). The court **DENIES WITHOUT PREJUDICE**  
13 Intel's motions and instructs the parties to comply with the procedures for discovery disputes that  
14 are found in the undersigned's standing order.

15 This disposes of ECF No. 1093, 1094, 1094-4, 1098, and 1098-4 in the Acer action and ECF No.  
16 510 in the AT&T Mobility action.

17 **IT IS SO ORDERED.**

18 Dated: May 19, 2014

  
LAUREL BEELER  
United States Magistrate Judge